



PATENT APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Toshihisa KUROIWA

Application No.: 09/505,281

Filed: February 16, 2000

For: ELECTRONIC CAMERA

**Attention: Director of Technology
Center 2600**

Group Art Unit: 2615

Examiner: B. Genco

Docket No.: 105403

**PETITION UNDER 37 C.F.R. §1.181
TO RESET PERIOD OF REPLY TO OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

According to the Patent Office PAIR database, an Office Action was mailed by the Patent Office on July 29, 2004 for the above-identified application. However, Applicant's undersigned attorney hereby states that such Office Action was never received through the mail by the law firm of Oliff & Berridge, or by the Applicant or anyone else associated with the prosecution of this application.

On September 2, 2004, which was five months after Applicant's April 1, 2004 Response to a Restriction Requirement, Applicant's undersigned law firm automatically filed a Status Inquiry Letter regarding this application. On September 28, having received no response from the Patent Office, Applicant's undersigned attorney checked the Patent Office PAIR database and discovered the existence of the July 29, 2004 Office Action. Because an image file wrapper of this application was available from the Patent Office, on September 28 Applicant's undersigned attorney downloaded the July 29 Office Action and obtained copies of

the references cited on the PTO-892 accompanying that Office Action. Accordingly, through Applicant's own efforts, Applicant obtained the July 29 Office Action on September 28.

Accordingly, Applicant requests that the time period for replying to the outstanding Office Action be reset to start on September 28, i.e., the date that Applicant became aware of, and obtained by downloading from the PTO website, the July 29 Office Action.

Applicant's undersigned attorney submits that Applicant has satisfied the requirements set forth in MPEP 710.06, which relates to the present situation. In particular, section I of MPEP 710.06 most closely relates to the present situation, although, as explained above, Applicant never received the Office Action through the mail, but rather obtained the Office Action from the image file wrapper available over PAIR. With respect to section I(A), this Petition is being filed within two weeks of the September 28 date of discovery of and receipt of the Office Action. With respect to section I(B), a substantial portion of the set reply period (i.e., nearly two months) had elapsed when Applicant received the Office Action. With respect to I(C), Applicant's undersigned attorney has explained and set forth the date of receipt of the Office Action. Applicant cannot show any evidence regarding receipt of the Office Action that was mailed by the Patent Office, because Applicant still has not received the Office Action that was allegedly mailed.

Although it is believed that no fee is due, the Patent Office is authorized to charge Deposit Account No. 15-0461 for any fees deemed necessary to grant this Petition.

The appropriate Patent Office official is invited to contact Applicant's undersigned attorney at the telephone number listed below if there are any questions or if any additional information is desired.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC/ccs

Date: September 30, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
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